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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,817	09/17/2003	Walter D. Buist	9628-010	8936

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,817

Applicant(s)

BUIST, WALTER D.

Examiner

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13-21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 13 recites the limitation "said message" in paragraph 2 line 2. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 18 recites the limitation "said message match" in paragraph 2 line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 20 recites the limitation "said reply match" in paragraph 3 line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3621

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hauk et al (U.S PG Pub no 2003/0126068).

8. As per claims 1, 22, Hauk et al teach a method for securely communicating financial information, comprising: receiving over an electronic computer network a coded message comprising an entry in a specified field of a field delimited communication protocol; and interpreting the coded message to have a meaning different from a publicly-known meaning for entries in the specified field (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

9. As per claims 2, Hauk et al teach a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

10. As per claims 3, 4, Hauk et al teach a method wherein the specified field is an order value field, and comprises a FIX tag 38 entry (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

Art Unit: 3621

11. As per claims 5, 6, Hauk et al teach a method wherein the encoded message corresponds to a number of shares, an Indication of Interest (IOI) for a number of shares (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

12. As per claims 7, 23, Hauk et al teach a method for securely communicating financial information, comprising: encoding a message comprising an entry in a specified field of a field delimited communication protocol, wherein the encoded message is intended to have a meaning different from a publicly-known meaning for entries in the specified field; and transmitting the encoded message over an electronic computer network (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

13. As per claims 8, Hauk et al teach a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

14. As per claims 9, 10, Hauk et al teach a method wherein the specified field is an order value field and comprises a FIX tag 38 entry (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

15. As per claims 11, 12, Hauk et al teach a method wherein the encoded message corresponds to a number of shares, an Indication of Interest (IOI) for a number of shares (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

16. As per claims 13, 24, Hauk et al teach a method for securely communicating financial information, comprising: receiving over a first electronic computer network a first message, the message comprising a first entry in a specified field of a field delimited communication protocol; transmitting over a second electronic computer network, a second message, the second message comprising a second entry in the specified field of the field delimited communication protocol; and at least one of the first and second messages being encoded, wherein each encoded message is intended to have a meaning different from a publicly-known meaning for entries in the specified field; wherein, the first and second electronic network, the first and second entries, and the first and second messages are not necessarily distinct (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

17. As per claims 14, Hauk et al teach a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

18. As per claims 15, Hauk et al teach a method wherein the specified field is an order value field (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

19. As per claims 16, 17, Hauk et al teach a method wherein the encoded message corresponds to a number of shares, an Indication of Interest (IOI) for a number of shares (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

20. As per claims 18, Hauk et al teach a method wherein the first and second messages are both encoded, further comprising: determining whether corresponding entries in the specified field of the messages match; and if the match is successful, transmitting a notification to one or more broker/dealers (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

21. As per claims 19, Hauk et al teach a method wherein the transmitted notification is not encoded (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

22. As per claims 20, Hauk et al teach a method wherein the first message is encoded, and wherein the transmitting is to a plurality of receivers, further comprising: receiving from a receiver a reply to the second message; and determining whether corresponding entries in the specified field of the first message and the reply match (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

23. As per claims 21, Hauk et al teach a method wherein if the match is successful, transmitting a notification to one or more broker dealers (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

Art Unit: 3621

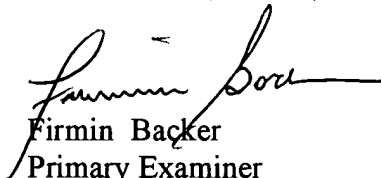
Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Firmin Backer
Primary Examiner
Art Unit 3621

December 6, 2004